

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**ONLY AL-KHIDHR**

**PLAINTIFF**

**VERSUS**

**CAUSE NO.: 1:07-CV-01223-LG-RHW**

**HARRISON COUNTY, MISSISSIPPI, by and through its  
Board of Supervisor; HARRISON COUNTY SHERIFF,  
George Payne, in his official capacity; SUPERVISOR  
OF BOOKING, CAPTAIN RICK GASTON, acting  
under of state law; CORRECTIONS OFFICER  
SERGEANT RYAN TEEL, acting under  
color of state law; CORRECTIONS OFFICER MORGAN  
THOMPSON, acting under color of state law; CORRECTIONS  
OFFICER THOMAS MOORE, acting under color of state law**

**DEFENDANTS**

**PLAINTIFF'S RESPONSES TO INTERROGATORIES PROPOUNDED  
TO PLAINTIFF BY THE DEFENDANT, GEORGE PAYNE, JR.  
IN HIS OFFICIAL AND INDIVIDUAL CAPACITIES**

COMES NOW Plaintiff, Only Al-Khidhr, with the assistance of his attorneys, Chase Chase & Associates, PLLC, and pursuant to Federal Rules of Civil Procedure and hereby provides the Plaintiff's Responses to Interrogatories Propounded to Plaintiff by the Defendant, George Payne, Jr. in his Official and Individual Capacities. Plaintiff makes a general objection that the interrogatories are irrelevant, immaterial, vague, overly broad, confusing, and not designed to learn discoverable information and/or evidence that is admissible in a trial on the issues in this cause. Plaintiff, nonetheless, provides these answers without waiving any objections. Plaintiff recognizes this discovery is continuing in nature and requires him to file supplemental answers in accordance with the Federal Rules of Civil Procedure if he obtains further or different information after submission of his initial answers before trial, including in each



supplemental answer the date and manner in which Plaintiff became aware of the additional information. The interrogatories and answers are as follows, to-wit:

**INTERROGATORY NO. 1:** Please identify yourself giving your full name, any aliases, age, date and place of birth, and social security number. If you have changed your name, please also provide your legal birth name.

**Answer No. 1:** My birth name was Manuel Sullivan. My legal name is now Only Al-Khidhr and I am 57 years old, having been born on [REDACTED], in Malcolm, Alabama. I am also known as Spade. My social security number is [REDACTED]  
[REDACTED]

**INTERROGATORY NO. 2:** Please state whether you have ever been convicted of a felony or a misdemeanor criminal offense? If your answer is in the affirmative, please furnish specifics concerning each offense, including the date, place, disposition of case, cause number, court, and sentence imposed.

**Answer No. 2:** I have been convicted of several criminal offenses. I do not recall each and every conviction I have and the details of such convictions. I do recall several convictions in Biloxi Municipal Court over the past several years, but I do not recall the specifics of those at this time. This response will be supplemented in the event I recall other convictions not listed below or in the event I recall additional information regarding the convictions that I cannot recall at this time.

Offense	Date of Offense	Place of Offense	Cause Number	Court	Sentence Imposed	Year of Conviction
Sale of Heroine		Jackson County, MS		Jackson County Circuit Court		1976
Possession of Cocaine		DeKalb County, GA		DeKalb Cnty Circuit Court		2000

**INTERROGATORY NO. 3:** Please list and describe every specific incident, including the date and time of each incident, (including time of your arrest, booking and release) and any and all witnesses to the incident, whereby you claim that your constitutional rights were allegedly violated by each Defendant in your Complaint, Amended Complaint, and Second Amended Complaint.

**Answer No. 3:** Objection to providing information that pertains to the complaint and the amended complaint because the Second Amended Complaint is the complaint on which this litigation is based. I believe this interrogatory is vague; however, without waiving my objection, the following response is provided: To the best of my recollection and based on documents I have seen since the arrest, I was arrested on or about October 3, 2005 or October 4, 2005, before 10:00 p.m. that evening. I recall it being before the 10:00 p.m. curfew that was in effect at that time. I was arrested by Biloxi Police officer Kit Manning and an officer from another city and state who was assisting Officer Manning on that date. During the encounter with them, I knocked off my bicycle and I received a minor or superficial bruise to my face. I was not taken to the Biloxi Police Department, but was taken to the Harrison County Adult Detention Facility (HCADC) on Larkin Smith Drive in Gulfport, Mississippi. As I recall the events, I was taken to the HCADC within probably 45 minutes of my encounter with the officers in Biloxi. I believe I was arrest for and charged with improper equipment (riding a bicycle without lights), possession of marijuana, public drunk, and disorderly conduct by using profanity. Almost immediately upon arriving in the booking area of the HCADC, I was taken into the shower and Correction Officers Morgan Thompson, Ryan

Teel, and/or Thomas Moore (whom I believe may be known as Timothy Moore), assaulted me in various manners. The assault occurred after I fell in the shower while being escorted into the shower by, I believe, two of the correction officers mentioned above. I was barefoot at the time and I slipped on the shower floor because it was wet and slippery. I fell on my buttocks and when I started to raise up in an attempt to get up off the floor, they kicked me in my face, my back, head, neck, shoulder, arms, sides, knees, hips, legs, feet, ankles, and everywhere on my body. I sustained severe injuries to my entire body including my face, hips, ankles, and shoulders as a result of the assault against me by the corrections officers. I did not do anything to provoke or require them to beat me. I was not trying to escape from jail or anything of that sort or nature.

I believe a nurse or some medical personnel came into the shower and looked at me and my injuries, but I don't believe I was taken to the medical block for any treatment or observation. I was not given proper medical care and treatment. While in the booking area, I believe Captain Rick Gaston, came down there and made some comments about how he would hate to see what the other person whom I was supposed to have fought with looked like. I told Rick Gaston that he knew what happened and that "y'all did this to me". He asked me whether I was like that before I came into the jail and I stated "no". I recall Rick Gaston telling the correction officers mentioned above something to the effect that he could not keep covering for them and that they were going to end up killing somebody. I believe I was placed in a holding cell in the booking area.

Later during the morning hours of October 4, 2005, several hours after the assault, I was taken by some deputies of the Harrison County Sheriff's Department to the emergency room at Memorial Hospital at Gulfport for treatment. This was after my right eye was swollen shut, my lip busted, my nose busted or fractured, and I had suffered multiple serious injuries from my head to my toes, to include my shoulders, hip, leg, ankles, face and other parts of my body as a result of the assault by the correction officers. Rick Gaston told the deputies to leave me there at the hospital and have the hospital charge the expense for treatment to the county and to release me when they were finished. They deputies did not take me back to the HCADC, but I was instead released by hospital personnel.

I believe Sheriff George Payne was aware of similar incidents based on complaints having been made to him or his chief assistant, Rick Gaston, and had failed to take appropriate action to prevent assaults and violation of constitutional rights. I believe Sheriff Payne and Harrison County, through its Board of Supervisors, failed to ensure the correction officers were adequately trained and that the booking area of the HCADC was properly and adequately staffed.

**INTERROGATORY NO. 4:** Please identify by name, address, and telephone number any and all witnesses whom you will or may call at the trial of this cause.

**Answer No. 4:** Plaintiff may call all defendants named in the Second Amended Complaint, to include the members of the Harrison County Board of Supervisors; and any and all witnesses called by the Defendants in the trial of this

cause. Additionally, Defendant may call the following persons:

1. Those experts listed or designated in the Plaintiff's Designation of Expert Witnesses.
2. Officer Kit Manning, Biloxi Police Department.
3. All physicians and medical care providers and personnel who has treated or who may treat Plaintiff.
4. Other persons who have relevant information and whose identity is not yet known to or can not be recalled by Plaintiff at this time.
5. All persons listed, named or otherwise identified in the pre-trial disclosures provided by Plaintiff and all defendants in this litigation.

Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 5:** Please list by name, address, and telephone number all persons who may have discoverable knowledge of the events complained of in your Complaint, Amended Complaint, and Second Amended Complaint. Please identify those persons that you may or will call as witnesses at trial.

**Answer No. 5:** I don't know the names, addresses, nor telephone numbers of all persons who may have discoverable information except as listed in the Answer to Interrogatory Number 4 above; however, every person who was

on duty for the Harrison County Adult Detention Facility as an employee of the sheriff department and/or on duty as an employee or agent for the medical services provider performing the medical services contract for the Harrison County jail on October 4, 2005, may have discoverable information. Plaintiff may call any and all of such persons. Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 6:** Please identify by name, address, and telephone number each and every individual with whom you have or may have discussed any of the allegations stated in your Complaint, Amended Complaint and Second Amended Complaint, and provide a brief description of the discussions you have had with each individual regarding said allegations.

**Answer No. 6:** I discussed the allegations in the complaint with my lawyers and my conversations with those lawyers are attorney-client privileged communications. I told medical personnel at Memorial Hospital at Gulfport that I was beaten or assaulted at the Harrison County Jail.

I also discussed part of the allegations in the complaint with the following persons. John Curry, friend, 228-324-3968; Horace Sullivan, brother, 228-875-6401; Barbara Nix, sister, 770-987-5869, Atlanta, GA; Ernestine Hampton, sister,

770-788-9118; Beulah Sullivan, sister, 770-483-8044; Yvonne Ellis, friend, 228-273-0174, Biloxi, MS; Horace Sullivan, Jr., nephew, 228-229-0232; Investigator Tony McGill, private investigator, 228-860-4217; and Joel Wallace, Mississippi Bureau of Investigations, 228-326-6455.

In the event Plaintiff has failed to list all persons with whom Plaintiff may have discussed the allegations, Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 7:** Please state whether you have obtained any statements, whether written, recorded, oral, or otherwise, from any Defendant named in your Complaint, Amended Complaint or Second Amended Complaint, or any of Defendant(s) agents, employees, or representatives. If so, please identify the name of each individual from whom you obtained such statement, the date such statement was taken and who has custody of said statement. Please also provide a brief description of the substance of said statement.

Answer No. 7: I have not obtained any statement. Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 8:** Please identify each individual whom you propose to call as an expert witness at the trial of this cause, stating the subject matter on which

the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each such opinion.

**Answer No. 8:** See the response provided in Plaintiff's Designation of Expert Witnesses filed in this cause. Plaintiff will also call treating physicians as witnesses and to the extent such treating physicians must be designated as experts, I so designate them as experts.

**INTERROGATORY NO. 9:** If you contend that there was in existence an official policy, practice, or custom at the Harrison County Sheriff's Department which resulted in constitutional violation, injury or damage to you, please identify and describe each specific official policy, practice, or custom; state how the policy, practice or custom was the moving force which resulted in injury or damage to you; state whether Defendant George Payne, Jr., and/or the Board of Supervisors were aware of the policy, practice, or custom; and state all the underlying facts on which you base your answers.

**Answer No. 9:** The policy, practice, or custom was as follows: The Sheriff, including high ranking officers, internal affairs and supervisors at the Sheriff's Department was aware of abuse at the HCADC. Additionally, members of the Board of Supervisors had specific knowledge of abuse at the jail and that problems existed. The Sheriff, Rick Gaston, and the Board of Supervisors were deliberately indifferent as

safeguarding the rights of inmates, including pre-trial detainees at the jail. Their inaction condoned the wide-spread abuse at the jail and was the moving force behind correction officers continually abusing and assaulting inmates and pre-trial detainees.

Defendant George Payne, Jr. and/or the Harrison County Board of supervisors were aware of the policy, practice, or custom because he and/or the Board of Supervisors hired all personnel that worked at the jail and supervised, and approved the employees and agents' work. They were aware of the pattern of abuse at the HCADC through a Consent Judgment (January 11, 1995) issued by the United States District Court for the Southern District of Mississippi, continuing violations of that Consent Judgment, the February 1, 2005 7<sup>th</sup> Supplemental Report of Steve J. Martin prepared for U.S. Department of Justice, other official correspondence from the US Department of Justice notifying Harrison County of "very disturbing pattern of a misuse of force" with the HCADC, and numerous complaints persons where abused at the HCADC that were made directly to the Harrison County Board of Supervisors, the Harrison County Sheriff, the District Attorney of Harrison County, and other county officials.

Factual information, including examples of abuse on November 12, 2004, November 16, 2004, November 28, 2004, and December 14, 2004, contained in the 7<sup>th</sup>

Supplemental Report of Steve J. Martin prepared for U.S. Department of Justice, a report which these officials have seen and/or read, is the basis for the allegation that there was in existence an official policy, practice, or custom at the Harrison County Sheriff's Department which resulted in constitutional violation, injury or damage to Plaintiff. A report from the National Institute of Corrections/Jail Center, Longmont, Colorado, provided a report, documented incidents of several assaults on inmates by staff in the booking area of the HCADC, lack of training, and overworking of the staff is additional support that officials in policy-making positions were aware of the abuse prior to the assault on Plaintiff on October 4, 2005. Supervisors William Martin and Robert Eleuterius testified during depositions in *Kasey D. Alves v. Harrison County, Mississippi, et al.*, U.S. District Court, Southern District of Mississippi, Southern Division, Cause No. 1:06cv912, that he or they were aware the HCADC is neither safe nor secure due to inadequate staffing levels, poorly trained staff, limited supervision, crowded conditions, failure to follow established policies and procedures, inadequate classification options and intake/release process that is inefficient or ineffective. One of the supervisor testified he was aware of a July 20, 2005 letter from the U.S. Department of Justice to Harrison County concerning the jail and claims of instances of misuse of force at the jail.

Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 10:** Please state and describe in full and complete detail each and every alleged act and/or omission on the part of Defendant George Payne, Jr., which you contend he performed or failed to perform herein; and as to each and every such act or omission, state the statute, regulation and/or legal duty violated by such performance or non-performance; the specific manner and circumstances in which you contend the performance or non-performance of the acts and/or omissions violated the statute, regulation and/or duty, and in which you contend constitutes a basis for your claim; provide the identity of each person by name, address, telephone number and occupation performing or failing to perform such act and/or omission; and provide the exact time and date at and on which you contend that each alleged act or omission occurred.

**Answer No. 10:** Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 11:** In Paragraphs 21 - 33 of your Second Amended Complaint you allege that Defendants Teel, Thompson and Moore used unnecessary, unreasonable and wanton force on you. Regarding these allegations, please provide the basis for said allegations and any and all supportive statements or documents which you rely upon to support your allegation.

**Answer No. 11:** Plaintiff's recollection of the events on October 4, 2005, when he was beaten at the booking area of the HCADC is the basis of these allegations. Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 12:** In Paragraphs 29-38 of your Second Amended Complaint, you allege that Defendants participated in a "conspiratorial scheme to camouflage, cover-up, falsely explain and/or deny what in truth and in fact happened to Al-Khidhr" and "concealment was part of the pattern of abuse and misuse of force within booking"; as to these allegations please state each and every specific fact and/or opinion, including the name of the alleged conspirators and a description of how they conspired; the source of each fact or opinion relied upon by you in support of the allegations; the identity and description of any records, documents and other tangible evidence which you contend support the allegations; the identity of the person or persons who have or may have custody of such records, documents and other tangible evidence; and the identity of any and all persons who have or may have facts and/or knowledge which you contend support the allegations set forth in Paragraphs 29-38 of your Second Amended Complaint.

**Answer No. 12:** Defendant Rick Gaston made a statement on or about October 4, 2005 that he could not continue to cover for several of the correction

officers at the HCADC. Timothy Brandon Moore (perhaps mistakenly identified as Thomas Moore in the complaint in this cause) pleaded guilty in U.S. District Court (Criminal No. 1:07cr68) pertaining to falsifying a report, a Harrison County Sheriff's Narrative Form dated October 4, 2005, concerning Plaintiff being injured at the HCADC. Based on information and belief, there should have been more than one use of force report prepared. Specifically, Plaintiff believes each correction officer who applied or witnessed use of force on Plaintiff should have prepared a separate use of force report. The failure to do so was an apparent conspiracy to cover the truth. Additionally, based on information and belief, testimony of Morgan Thompson in the criminal trial of Ryan Teel in U.S. District Court will support the conspiracy alleged by Plaintiff. Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 13:** In your Second Amended Complaint, you claim that Sheriff Payne, Harrison County, and elected or appointed officials affiliated with the Harrison County Adult Detention Center had knowledge of the alleged persistent and widespread practice of the injurious abuse and use of excessive force on pre-trial detainees, please provide the basis for said allegations and any and all supportive statements or documents which you rely upon to support your allegation.

**Answer No. 13:** See answer to Interrogatory No. 9. Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 14:** Please state the facts and information to support your allegations that George Payne, Jr. had personal knowledge and or participated in the lack of proper supervision and training and was aware of continuing use of excessive force by correctional officers at the Harrison County Adult Detention Center as set forth in your Complaint, Amended Complaint and Second Amended Complaint.

**Answer No. 14:** Based on information and belief, Sheriff Payne deliberately delegated day-to-day operation to Captain Rick Gaston and used a hands-off approach to being involved in taking appropriate action to ensure his personnel was properly trained to handle duties and obligations. Sheriff Payne, in his official capacity, was required to know what was happening at the HCADC and when personnel used excessive force. He had in place policies on how to report use of force. Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 15:** Please state any and all facts and/or information to support your allegations that proper training and supervision would have prevented the deprivations, abuse, and injuries you allege to have suffered during your incarceration

at the Harrison County Adult Detention Center as set forth in your Complaint, Amended Complaint and Second Amended Complaint.

**Answer No. 15:** Based on information and belief, had all personnel been properly trained they would have realized as correction officers and peace officers, they had an obligation to help protect a pre-trial detainee's civil rights and particularly his right to not be abused physically. Had correction officers who violated those rights been properly and timely disciplined, other similarly situated correction officers would have been on notice that such unlawful conduct was not welcomed and tolerated at the HCADC, thus, Plaintiff would not have been violated on October 4, 2005. Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY 16:** Identify and list each document and/or communication, whether oral or written, in support of your allegations against the Defendants. For each such document and/or communication, whether oral or written listed above, please describe with specificity how each document and/or communication relates specifically to this Defendant;

**Answer No. 16:** Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 17:** List the names and addresses of any and all physicians and other health care or mental health care providers who examined or treated you for any illnesses claimed by you as a result of the incidents described in your Complaint, Amended Complaint and Second Amended Complaint, stating the dates of treatment, reasons for each visit and any diagnoses rendered.

**Answer No. 17:** Plaintiff was treated by physicians at Memorial Hospital at Gulfport and Coast Family Medical Center in Biloxi. Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 18:** Please identify each and every hospital, clinic, medical facility, or mental health facility at which you have been examined, confined, or treated for any injury or condition claimed by you to be the result of the incidents alleged in your Complaint, Amended Complaint and Second Amended Complaint, and please list as to each such facility its complete name, address, and dates of treatment.

**Answer No. 18:** Gulfport Memorial Hospital, 4500 13<sup>th</sup> Street, Gulfport, MS, from Oct 4 and 5, 2005.

Coast Family Medical Clinic, Division Street, Biloxi, MS.

Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 19:** Please describe in detail any and all injuries you

allege to have suffered as a result of this incident. Including in your description any and all medical, physiological, mental health, or other treatment you have received or continue to receive as a result of this incident, including the names and addresses of any and all physicians, hospitals, physiologists, counselors, or other health care providers rendering treatment.

**Answer No. 19:** Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 20:** In your Complaint, Amended Complaint and Second Amended Complaint you allege that Harrison County, Board of Supervisors, and George Payne, Jr. were aware of a pattern of abuse at the HCADC prior to October 4, 2005. Regarding these allegations, please provide the basis for said allegations and any and all supportive statements or documents which you rely upon to support your allegation.

**Answer No. 20:** Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 21:** Please provide any and all facts or information to support your allegation that Sheriff Payne and/or any other final policy maker at the Harrison County Adult Detention Center failed to properly train and/or supervise the

officers and supervisors, and identify any and all documentation which you believe contains supportive information as to said allegation(s) as stated in your Complaint, Amended Complaint and Second Amended Complaint.

**Answer No. 21:** Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 22:** Please identify those individuals from whom a written, recorded, transcribed or oral statement has been obtained by you, your attorneys, agents or by anyone working in connection with this case on your behalf regarding the allegations and claims as stated in your Complaint, Amended Complaint and Second Amended Complaint.

**Answer No. 22:** No written, recorded, transcribed or oral statements have been obtained by Plaintiff or on Plaintiff's behalf at this time. Plaintiff will supplement this answer as appropriate and necessary.

**INTERROGATORY NO. 23:** Please identify each and every individual who may be called at the trial of this matter and indicate whether they will give opinion testimony.

**Answer No. 23:** See answer to Interrogatory No. 4. Plaintiff will supplement this list as appropriate and necessary.

**INTERROGATORY NO. 24:** In Paragraph 4 of your Second Amended

Complaint you allege that high ranking officials of the Harrison County Sheriff's Department, with final decision making authority, assisted by the above Defendant Corrections Officer Moore and Defendant Gaston, engaged in acts to falsely deny and or cover up what has occurred and further threatened the injured Plaintiff with retaliatory actions. Regarding these allegations, please provide the basis for said allegations and any and all supportive statements or documents which you rely upon to support your allegation.

**Answer No. 24:** Plaintiff will supplement this answer as appropriate and necessary.

**INTERROGATORY NO. 25:** In Paragraph 5 of your Second Amended Complaint you allege that Harrison County Corrections Officers abused and used excessive force as acts of corporal punishment amounting to assault and battery against other inmates and pretrial detainees and cover ups by officials occurred both before and after the alleged injurious actions of abuse to the Plaintiff to such extent as to evidence a prior continuing pattern, custom and usage to similar violations.

Regarding these allegations, please provide the basis for said allegations and any and all supportive statements or documents which you rely upon to support your allegation.

**Answer No. 25:** This allegation is based on the convictions, either by

guilty plea and/or trial of the several correction officers HCADC convicted in U.S. District Court for the Southern District of Mississippi following the death of Jessie Williams at the HCADC. Plaintiff will supplement this answer as appropriate and necessary.

**INTERROGATORY NO. 26:** In Paragraph 7 of your Second Amended Complaint you allege that Defendant Harrison County, by and through its officials failed to take any meaningful action to prevent the continuation of abuse at the Harrison County Adult Detention Center, thus evidencing a policy and deliberate indifference to the known consequences of the policy which foreseeably and consequently resulted in continued abuse and constitutional violations against incarcerated persons including the Plaintiff. Regarding these allegations, please provide the basis for said allegations and any and all supportive statements or documents which you rely upon to support your allegation.

**Answer No. 26:** This allegation is based in part on the failure of the officials at HCADC to properly report all complaints of assaults by correction officers in the various reports measuring compliance with the Consent Decree. Plaintiff will supplement this answer as appropriate and necessary.

**INTERROGATORY NO. 27:** In Paragraph 38 of your Second Amended

Complaint you allege that concealment was part of a pattern of abuse and misuse of force within booking on pretrial detainees and officials including this Defendant, aided and abetted the misuse of force within booking and the conspiracy by either condoning such acts and or by failing to take appropriate actions and measures in order to prevent the abusive and injurious actions of the corrections officers in booking. Regarding these allegations, please provide the basis for said allegations and any and all supportive statements or documents which you rely upon to support your allegation.

**Answer No. 27:** Plaintiff will supplement this answer as appropriate and necessary.

**INTERROGATORY NO. 28:** In Paragraphs 39 - 47 you allege a habit, pattern, custom and policy of which a wide spread custom and practice of abuse in the booking department of the Harrison County Adult Detention Center was known, or at least should have been known by the Harrison County Officials and that in spite of ample evidence of abuse Harrison County Officials failed to punish such conduct and actually took such action as to condone the behavior of its officers. Regarding these allegations, please provide the basis for said allegations and any and all supportive statements or documents which you rely upon to support your allegation.

**Answer No. 28:** Plaintiff will supplement this answer as appropriate

and necessary.

**INTERROGATORY NO. 29:** In Paragraph 110 of the Second Amended Complaint you allege that Sheriff George Payne, Jr. and the Harrison County Board of Supervisors intentionally chose to ignore and/or condone or acquiesce to the continued abusive actions towards detainees within the Harrison County Adult Detention Center after being put on notice by the United States Department of Justice. Regarding these allegations, please provide the basis for said allegations and any and all supportive statements or documents which you rely upon to support your allegation.

**Answer No. 29:** Plaintiff will supplement this answer as appropriate and necessary.

**INTERROGATORY NO. 30:** In Paragraph 112 of the Second Amended Complaint you allege that Defendant Payne had personal knowledge and or participation in the lack of proper supervision and training and was aware of the continuing misuse of force by corrections officers. Regarding these allegations, please provide the basis for said allegations and any and all supportive statements or documents which you rely upon to support your allegation.

**Answer No. 30:** Plaintiff will supplement this answer as appropriate and necessary.

**INTERROGATORY NO. 31:** If you contend that the Plaintiff's constitutional rights were violated pursuant to a widespread custom (not an official policy), please identify if you contend the custom was based on actual knowledge or constructive knowledge. Regarding these allegations, please provide the basis for said allegations and any and all supportive statements or documents which you rely upon to support your allegation.

**Answer No. 31:** Plaintiff will supplement this answer as appropriate and necessary.

**INTERROGATORY NO. 32:** Please identify how each Defendant was deliberately indifferent to Plaintiff's constitutional rights. Regarding these allegations, please provide the basis for said allegations and any and all supportive statements or documents which you rely upon to support your allegation.

**Answer No. 32:** All the correction officers listed as defendants and Sheriff Payne were deliberately indifferent to Plaintiff's constitutional rights because Plaintiff was intentionally assaulted by the correctional officers. Plaintiff will supplement this answer as appropriate and necessary.

**INTERROGATORY NO. 33:** In Paragraphs 24 - 28 of your Second Amended Complaint, you allege that there was deliberate indifference to the serious medical

needs of the Plaintiff. Regarding these allegations, please provide the basis for said allegations and any and all supportive statements or documents which you rely upon to support your allegation.

**Answer No. 33:** Plaintiff will supplement this answer as appropriate and necessary.

**INTERROGATORY NO. 34:** In Paragraphs 106 - 113 of your Second Amended Complaint, you allege that there was a failure to properly train and supervise. Regarding these allegations, please provide the basis for said allegations and any and all supportive statements or documents which you rely upon to support your allegation.

**Answer No. 34:** Plaintiff will supplement this answer as appropriate and necessary.

**INTERROGATORY NO. 35:** In Paragraph 113 of your Second Amended Complaint, you allege that there was improper hiring. Regarding these allegations, please provide the basis for said allegations and any and all supportive statements or documents which you rely upon to support your allegation.

**Answer No. 35:** Plaintiff will supplement this answer as appropriate and necessary.

RESPECTFULLY SUBMITTED, this the 29<sup>th</sup> day of August, 2009.



ONLY AL-KHIDHR  
Plaintiff

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Personally appeared before me, the undersigned Notary Public, Only Al-Khidhr, Plaintiff herein, who, after being duly sworn, made oath that the within Answers to Interrogatories Propounded to Plaintiff by the Defendant, George Payne, Jr. in his Official and Individual Capacities are true to the best of his knowledge, information and belief.



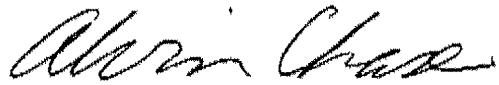
Dorothy J. Burns  
Notary Public

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that I have this day sent via U.S. Mail, email, and/or facsimile, a true and correct copy of the foregoing to the following:

Cyril T. Faneca  
Haley Necaise Broom  
Joe Crawford Gewin  
Dukes, Dukes, Keating & Faneca  
P.O. Drawer W  
Gulfport, MS 39502-0680

This, the 18<sup>th</sup> day of September, 2009.

  
Alvin Chase

ALVIN CHASE (MSB #5968)

CHASE CHASE & ASSOCIATES, PLLC  
10345 D'Iberville Blvd, Ste D  
Post Office Box 7119  
D'Iberville, MS 39540  
Phone: 228-396-3300  
Facsimile: 228-396-1494